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SENATE BILL 135

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO EDUCATION; PROVIDING FOR TWELVE-MONTH CONTRACTS FOR
CERTIFIED SCHOOL PERSONNEL AND CERTIFIED SCHOOL INSTRUCTORS;
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10-11 NMSA 1978 (being Laws 1967,
Chapter 16, Section 113, as amended) is amended to read:

"22-10-11. EMPLOYMENT CONTRACTS--DURATION. --

A. All employment contracts between local school
boards and certified school personnel and between governing
authorities of state agencies and certified school instructors
shall be in writing on forms approved by the state board.
These forms shall contain and specify the term of service, the
salary to be paid, the method of payment, the causes for
termination of the contract and other provisions required by

underscored material = new
[bracketed material] = delete

1 the ~~[regulations]~~ rules of the state board.

2 B. All employment contracts between local school
3 boards and certified school personnel and between governing
4 authorities of state agencies and certified school instructors
5 shall be for a period of one school year except:

6 (1) contracts for less than one school year
7 are permitted to fill personnel vacancies ~~[which]~~ that occur
8 during the school year;

9 (2) contracts for the remainder of a school
10 year are permitted to staff programs when the availability of
11 funds for the programs is not known until after the beginning
12 of the school year;

13 (3) contracts for less than one school year
14 are permitted to staff summer school programs and to staff
15 federally funded programs in which the federally approved
16 programs are specified to be conducted for less than one school
17 year;

18 (4) contracts for twelve months are permitted
19 for certified school personnel and certified school instructors
20 who agree to teach, supervise an instructional program, prepare
21 student curriculum, counsel, provide special instructional
22 services or administer during the period between two
23 consecutive school years;

24 ~~[-4-]~~ (5) contracts not to exceed three years
25 are permitted for certified school administrators in public

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[bracketed material] = delete

1 schools who are engaged in administrative functions for more
2 than one-half of their employment time; and

3 [~~(5)~~] (6) contracts not to exceed three years
4 are permitted at the discretion of the local school board for
5 certified school instructors in public schools who have been
6 employed in the school district for three consecutive school
7 years.

8 C. Persons employed under contracts for periods of
9 less than one school year as provided in Paragraphs (1) [~~and~~
10 ~~(2)~~] through (3) of Subsection B of this section shall be
11 accorded all the duties, rights and privileges of the
12 [~~Certified~~] School Personnel Act.

13 D. In determination of eligibility for unemployment
14 compensation rights and benefits for certified school
15 instructors where those rights and benefits are claimed to
16 arise from the employment relationship between governing
17 authorities of state agencies or local school boards and
18 certified school instructors, that period of a year not covered
19 by a school year shall not be considered an unemployment
20 period.

21 E. Except as provided in Section 22-10-12 NMSA
22 1978, a person employed by contract pursuant to this section
23 has no legitimate objective expectancy of reemployment, and no
24 contract entered into pursuant to this section shall be
25 construed as an implied promise of continued employment

1 pursuant to a subsequent contract."

2 Section 2. APPROPRIATION. -- Six million dollars
3 (\$6,000,000) is appropriated from the general fund to the
4 public school fund for expenditure in fiscal year 2004 to
5 extend the contracts for certified school personnel and
6 certified school instructors who choose to enter into twelve-
7 month contracts pursuant to the provisions of this act. Any
8 unexpended or unencumbered balance remaining at the end of
9 fiscal year 2004 shall revert to the general fund.

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